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Dirk Trossen

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EXAMINER

PATEL, NIRAV B

ART UNIT

PAPER NUMBER

2435

NOTIFICATION DATE

DELIVERY MODE

08/17/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/602,078	<b>Applicant(s)</b> TROSSEN, DIRK	
	<b>Examiner</b> NIRAV PATEL	<b>Art Unit</b> 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4/7/10 and supplemental amendment 6/1/10.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-28 and 30-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-28 and 30-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Applicant's supplemental amendment submitted on June 01, 2010 has been entered, which supplements the response filed on April 7, 2009.

2. Claims 1, 3-10, 12-28, 30-36 are pending. Claims 1, 3, 4, 5, 7, 8, 9, 10, 16, 19, 20-25, 27-28, 30-33, 36 were amended by the applicant in the amendment filed on April 7, 2009. Further, Claims 1, 3, 10, 12, 19, 28, 30 are amended by the applicant in the supplemental response filed on June 01, 2010. Specification's amendment, filed on April 7, 2009, on page 1, paragraph 0001 has been entered.

### Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 10, 12-18, 26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 10, recites "A system comprising: a *first network entity*....; a *second network entity*....; ....an *event server*.....". Such claimed system may be interpreted either as software, hardware or combination thereof necessarily includes hardware, is interpreted in its broadest reasonable sense as software/code/instruction. When software system is claimed without including a machine or a physical part of the device within the meaning of 35 USC § 101, it is considered non-statutory. Although the amended claim recites limitation regarding a system that comprises a first network entity

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within a server of a service provider, a second network entity within a user terminal, the recited terminal itself is not explicitly included as part of the claimed system to make the claim statutory under 35 USC 101. Explicit recitation of the hardware component(s)/element(s) as part of the claimed system in combination with other limitations would normally overcome the rejection.

Claims 12-18, 26 depend on claim 10, therefore they are rejected with the same rationale applied against claim 10 above.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-6, 8-10, 12-15, 17-21, 24, 26-28, 30, 31, 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCann et al. (US Pub. No. 2004/0064707) and in view of Bhela et al. (US Pub. No. 7,412,400) in view of Chern et al. (US Patent No. 6,456,854).

As per claim 1, McCann teaches:

A method comprising: causing, at least in part by a first network entity within a server of a service provider, reception of a first request for a resource-based service at the first

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network entity, wherein the first request is sent from a second network entity within a user terminal, and the resource-based service is to be provided by the service provider to the user terminal [Fig. 2 – component client's PC, content provider 214, Fig. 1, step 114, paragraph 0020 lines 1-4, 0016 lines 1-5]; in response to the first request, causing, at least in part by the first network entity transmission of a second request for event based information from the first network entity to the second network entity [Fig. 2 - steps 118], causing, at least in part by the first network entity, reception of an authorization (e.g. token) to access the event-based information by the first network entity [Fig. 1 steps 126-130, Fig. 2 – 130, paragraph 0022-0025], the authorization being automatically created based upon user consent without use of a certificate from the first network entity and without verifying an identity of the first network entity [paragraph 0023-0024]; causing, at least in part by the first network entity, transmission of a subscription message from the first network entity to an event server configured to maintain the event based information, wherein the subscription message includes an identification of the user terminal, the authorization and a description of the event-based information, the authorization including subscription of the event-based information to be sent from the second network entity within the user terminal to the first network entity within the server [Figs. 1, 2 step 130 paragraph 0025, 0026 lines 1-9, paragraph 0016 lines 19-23]; and causing, at least in part by the first network entity, reception of the event-based information based upon the subscription at the first network entity [paragraph 0026-0028].

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McCann teaches sending the subscription message includes the authorization and providing/receiving the event-based information as above. McCann does not expressly mention the subscription does not require to the first network entity to send out access requests for the event-based information prior to an expiration time of the subscription and *the event-based information is generated by a resource located within the second network entity*.

However, in an analogous art, Bhela teaches: the subscription does not require to the first network entity to send out access requests for the event-based information prior to an expiration time of the subscription [col. 16 lines 53-67, Fig. 13 step 1314, col. 10 lines 55-57].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method/system of McCann's invention by including the teaching of Bhela to utilize the expiration time (termination information) of the subscription, since one would have been motivated to provide control and access to location information [Bhela, col. 2 lines 35-36]. Bhela does not expressly mention *the event-based information is generated by a resource located within the second network entity*.

However, in an analogous art, Chern teaches: a first network entity within a server of a service provider, reception of a first request for a resource-based service at the first network entity, wherein the first request is sent from the second network entity within a user terminal, and the resource-based service is to be provided by the service provider to the user terminal [Fig. 2, 3, col. 4 lines 57-61, col. 5 lines 50-51]; wherein the event-

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based information is generated by a resource located within the second network entity and associated with an event, wherein the second network entity is configured to control access to the event-based information [Fig. 2 - component 132-130, col. 4 lines 19-31, col. 6 lines 21-28, 40-54].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method/system of McCann's and Bhela's invention by including the teaching of Chern to include GPS sensor into the user terminal for determining their own location, since one would have been motivated to provide location self-determination for locating and tracking the mobile/user device for obtaining the service from the web server under user's control and without compromising the privacy of the mobile device user [Chern, col. 1 lines 7-8, 50-54, 66-67, col. 2 lines 1-6].

As per claim 3, the rejection of claim 1 is incorporated and McCann teaches:

prior to transmission of the second request, receiving a tripper at the first network entity from the second network entity; and activating the trigger to transmit the second request for the event-based information [Fig. 2 step 114-118, paragraph 0021, 0022].

As per claim 4, the rejection of claim 1 is incorporated and McCann teaches:

wherein the authorization to access the event-based information associated with the event includes a parameter of a predefined granularity, frequency, time period, or

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combination thereof [paragraph 0016 lines 19-23, paragraph 0023-0025, paragraph 0037 lines 3-4].

As per claim 5, the rejection of claim 1 is incorporated and McCann teaches providing the authorization to access the event as above. McCann does not expressly mention determines whether to accept the subscription message by verifying the authorization. However, in an analogous art, Bhela teaches: the event server determines whether to accept the subscriber by verifying the authorization; and accepting the subscription message if the authorization is verified to thereby provide the second network entity with access to the event [Figs. 12, 13, col. 15 lines 52-67, col. 16 lines 1-50].

As per claim 6, the rejection of claim 5 is incorporated and Bhela teaches: wherein verifying the authorization includes verifying that at least one of a predetermined frequency or time period has not been exceeded [col. 16 lines 53-59, col. 7 lines 50-55].

As per claim 8, the rejection of claim 5 is incorporated and Bhela teaches: wherein the event server accepts the subscription message to thereby provide the second network entity with access to the event-based information with predefined granularity [Figs. 12, 13 col. 15 lines 52-67, col. 16 lines 1-59].

As per claim 9, the rejection of claim 1 is incorporated and Bhela teaches: wherein the event server stores the authorization in a cache, and retrieves the authorization in



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response to receiving at least one subsequent subscription message, wherein the at least one subsequent subscription message includes an event package describing the event-based information [Figs. 3, 7, col. 11 liens 9-21, 53-62, col. 12 lines 47-59].

As per claim 10, McCann teaches:

A system comprising: a first network entity within a server of a service provider [Fig. 2 – component 214], a second network entity within a user terminal [Fig. 2 - client's PC]; wherein the second network entity is configured to control access to event-based information available within a network and associated with the event, the second network entity is configured to transmit a first request for a resource-based service at the first network entity, wherein the resource-based service is to be provided by the service provider to the user terminal [Fig. 2 – component client's PC, content provider 214, Fig. 1, step 114, paragraph 0020 lines 1-4, 0016 lines 1-5], the second network entity is configured to receive, from the first network entity, a second request, in response to the first request [Fig. 2 - steps 118];

wherein the second network entity is configured to receive user consent to access to the event-based information, the second network entity is configured to automatically create an authorization in response to receiving the consent [Fig. 1 steps 126-130, Fig. 2 – 130, paragraph 0022-0025], and thereafter transmit the authorization, the consent being receivable and the authorization being creatable without use of a certificate from the first network entity and without verifying an identity of the first network entity [paragraph 0023-0025], wherein the first network entity is configured to receive the authorization

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and thereafter transmit a subscription message, the subscription message includes an identification of the user terminal, the authorization and a description of the event-based information, the authorization including subscription of the event-based information to be sent from the second network entity within the user terminal to the first network entity within the server [Figs. 1, 2 step 130 paragraph 0025, 0026 lines 1-9, paragraph 0016 lines 19-23], the first network entity is configured to receive the event-based information based upon the subscription [paragraph 0026-0028].

McCann teaches sending the subscription message includes the authorization and providing/receiving the event-based information as above. McCann does not expressly mention the subscription does not require to the first network entity to send out access requests for the event-based information prior to an expiration time of the subscription, determines whether to accept the subscription message based on the authorization and *the event-based information is generated by a resource located within the second network entity*.

However, in an analogous art, Bhela teaches: the subscription does not require to the first network entity to send out access requests for the event-based information prior to an expiration time of the subscription [col. 16 lines 53-67, Fig. 13 step 1314, col. 10 lines 55-57]; the event server is configured to receive the subscription message and thereafter determines whether to accept the subscriber based upon the authorization [Figs. 12, 13, col. 15 lines 52-67, col. 16 lines 1-50].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method/system of McCann's invention by

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including the teaching of Bhela to utilize the expiration time (termination information) of the subscription, since one would have been motivated to provide control and access to location information [Bhela, col. 2 lines 35-36]. Bhela does not expressively mention *the event-based information is generated by a resource located within the second network entity*.

However, in an analogous art, Chern teaches: a first network entity within a server of a service provider, reception of a first request for a resource-based service at the first network entity, wherein the first request is sent from the second network entity within a user terminal, and the resource-based service is to be provided by the service provider to the user terminal [Fig. 2, 3, col. 4 lines 57-61, col. 5 lines 50-51]; wherein the event-based information is generated by a resource located within the second network entity and associated with an event, wherein the second network entity is configured to control access to the event-based information [Fig. 2 - component 132-130, col. 4 lines 19-31, col. 6 lines 21-28, 40-54].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method/system of McCann's and Bhela's invention by including the teaching of Chern to include GPS sensor into the user terminal for determining their own location, since one would have been motivated to provide location self-determination for locating and tracking the mobile/user device for obtaining the service from the web server under user's control and without compromising the privacy of the mobile device user [Chern, col. 1 lines 7-8, 50-54, 66-67, col. 2 lines 1-6].

As per claim 12, the rejection of claim 10 is incorporated and McCann teaches:

the first network entity being configured to: prior to transmission of the second request, receiving a tripper at the first network entity from the second network entity; and activating the trigger to transmit the second request for the event-based information [Fig. 2 step 114-118, paragraph 0021, 0022].

As per claim 13, the rejection of claim 10 is incorporated and McCann teaches:

wherein the first network entity is configured to further receive at least one parameter associated with the consent, wherein the at least one parameter includes a least one of a predefined granularity, frequency and time period, and wherein the first network entity is configured to create the authorization including the at least one parameter [paragraph 0016 lines 19-23 paragraph 0017-0018, 0023-0025].

In addition, Bhela teaches: the authorization including the at least one parameter [col. 7 lines 14-22].

As per claim 14, the rejection of claim 10 is incorporated and McCann teaches providing the authorization to access the event as above. McCann does not expressively mention the event server determines whether to accept the subscription message by verifying the authorization.

However, in an analogous art, Bhela teaches: the event server being configured to determine whether to accept the subscriber by verifying the authorization; and accepting

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the subscription message if the authorization is verified to thereby provide the second network entity with access to the event [Figs. 12, 13, col. 15 lines 52-67, col. 16 lines 1-50].

As per claim 15, the rejection of claim 14 is incorporated and Bhela teaches: wherein the event server being configured to verify the authorization includes verifying that at least one of a predetermined frequency or time period has not been exceeded [col. 16 lines 53-59, col. 7 lines 50-55].

As per claim 17, the rejection of claim 14 is incorporated and Bhela teaches: wherein the event server is configured to accept the subscription message to thereby provide the second network entity with access to the event-based information with predefined granularity [Figs. 12, 13 col. 15 lines 52-67, col. 16 lines 1-59].

As per claim 18, the rejection of claim 10 is incorporated and Bhela teaches: wherein the event server maintains in a cache, wherein the event server is configured to store the authorization in the cache such that the event server can retrieve the authorization in response to receiving at least one subsequent subscription message, wherein the at least one subsequent subscription message includes an event package describing the event-based information [Figs. 3, 7, col. 11 lines 9-21, 53-62, col. 12 lines 47-59].

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As per claim 19, it is an apparatus claim corresponds to method claim 1 and is rejected for the same reason set forth in the rejection of claim 1 above.

As per claim 20, the rejection of claim 1 is incorporated and McCann teaches:  
the user terminal, based upon receipt of the second request to access the event-based information, presents a prompt a receive the user consent to access the event-based information [paragraph 0020, 0023-0024].

As per claim 21, the rejection of claim 19 is incorporated and it is an apparatus claim corresponds to method claim 4 and is rejected for the same reason set forth in the rejection of claim 4 above.

As per claim 24, the rejection of claim 1 is incorporated and McCann teaches:  
wherein the resource-based service includes a location-based service and the event server is a session initiation protocol event server [paragraph 0029, 0043].

As per claim 26, the rejection of claim 10 is incorporated and McCann teaches:  
wherein the first network entity is configured to receive consent from a user of the first network entity via a user interface thereof [paragraph 0022-0024].

As per claim 27, the rejection of claim 1 is incorporated and McCann teaches:

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wherein the first request, the second request and the subscription message comply with the session initiation protocol [paragraph 0043].

As per claim 28, it is a non-transitory computer-readable storage medium claim corresponds to method claim 1 and is rejected for the same reason set forth in the rejection of claim 1 above.

As per claim 30, the rejection of claim 28 is incorporated and it is the computer-readable storage medium claim corresponds to method claim 3 and is rejected for the same reason set forth in the rejection of claim 3 above.

As per claim 31, the rejection of claim 28 is incorporated and it is the computer-readable storage medium claim corresponds to method claim 4 and is rejected for the same reason set forth in the rejection of claim 4 above.

As per claim 34, the rejection of claim 1 is incorporated and McCann teaches: the subscription has a zero expiration time [paragraph 0016 lines 19-23, paragraph 0021 lines 1-12].

As per claim 35, the rejection of claim 19 is incorporated and it is an apparatus claim corresponds to method claim 34 and is rejected for the same reason set forth in the rejection of claim 34 above.

As per claim 36, the rejection of claim 1 is incorporated and Chern teaches:

wherein the resource include a global position system (GPS) sensor [Fig. 2 – component 132 col. 2 lines 4-5, col. 4 lines 26-28].

5. Claims 7, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCann et al. (US Pub. No. 2004/0064707) in view of Bhela et al. (US Pub. No. 7,412,400) in view of Chern et al. (US Patent No. 6,456,854) and in view of Pujare et al (US Pub. No. 2002/0083183).

As per claim 7, the rejection of claim 5 is incorporated and Bhela teaches verifying the authorization as above. McCann, Bhela and Chern do not expressively mention verifying a shared secret.

Pujare teaches verifying the authorization includes verifying a shared secret between the event server and the user terminal [paragraph 0272, lines 16-18].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Pujare with McCann, Bhela and Chern to utilize the share secret between entities to validate the authorization, since one would have been motivated to provide fast privilege check and reduce the cost of privilege check process [Pujare, paragraph 0272].



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As per claim 16, the rejection of claim 14 is incorporated and Bhela teaches verifying the authorization as above. McCann, Chern and Bhela do not expressively mention verifying a shared secret.

Pujare teaches verifying the authorization includes verifying a shared secret between the event server and the user terminal [paragraph 0272, lines 16-18].

6. Claims 22, 23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCann et al. (US Pub. No. 2004/0064707) in view of Bhela et al. (US Pub. No. 7,412,400) in view of Chern et al. (US Patent No. 6,456,854) and in view of Brown et al. (US Pub. No. 2002/0164995).

As per claim 22, the rejection of claim 1 is incorporated and McCann teaches providing the event-based information [paragraph 0029]. McCann, Bhela and Chern do not expressively mention the event-based information includes application information of the user terminal, state information of the user terminal or a combination thereof.

However, in an analogous art, Brown teaches: the event-based information includes application information of the user terminal, state information of the user terminal or a combination thereof [Figs. 3a-3d, 8, paragraph 0033-0036 – e.g. calendar information and activity of the user terminal].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Brown with McCann, Bhela and Chern to utilize personal information of the user, since one would have been motivated to review their

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actual activity and movement and compare with planned goals or scheduled event so that people and organization allocate their time to accomplish both personal and business goals more optimally [Brown, paragraph 0014].

As per claim 23, the rejection of claim 22 is incorporated and Brown teaches:

the application information includes software calendar information of the user terminal, and the state information includes current activity of the user terminal [Figs. 3a-3d, 8, paragraph 0033-0036 – e.g. calendar information and activity of the user terminal]

As per claim 25, the rejection of claim 1 is incorporated and Brown teaches:

wherein the event-based information includes presence, location information, content or a combination thereof of the user terminal [Fig. 3b, paragraph 0034].

7. Claims 32, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCann et al. (US Pub. No. 2004/0064707) in view of Bhela et al. (US Pub. No. 7,412,400) in view of Chern et al. (US Patent No. 6,456,854) and in view of Kinnunen et al. (US Pub. No. 2001/0018349).

As per claim 32, the rejection of claim 1 is incorporated and McCann teaches providing the resource-based service [paragraph 0029]. McCann, Bhela and Chern do not expressively mention printing service.

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However, in analogous art, Kinnunen teaches: the resource-based service includes printing service, computing service or a combination thereof [paragraph 0150].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kinnunen with McCann, Bhela and Chern to utilize the location information from the user device, since one would have been motivated to provide service users within a particular location or area when they are in proximity to a particular location such that it integrates the provision and management of services which makes it attractive for user in network infrastructures and with mobile terminals [Kinnunen, paragraph 0031-0032].

As per claim 33, the rejection of claim 1 is incorporated and McCann teaches utilize extensible markup language format for providing the message [paragraph 0022]. McCann does not expressively mention a resource description framework (RDF) format. However, in analogous art, Kinnunen teaches: the message is in a resource description framework (RDF) format [paragraph 0110].

### **Response to Amendment**

8. Claims 1, 3, 4, 5, 7, 8, 9, 10, 16, 19, 20-25, 27-28, 30-33, 36 were amended by the applicant in the amendment filed on April 7, 2009 and further, Claims 1, 3, 10, 12, 19, 28, 30 are amended by the applicant in the supplemental response filed on June 01, 2010, which necessitated new ground of rejection. See new ground of rejection based

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on McCann et al. (US Pub. No. 2004/0064707), Bhela et al. (US Pub. No. 7,412,400), Chern et al. (US Patent No. 6,456,854).

**Regarding to objection to Specification**, Applicant has amended the specification to overcome the objection and therefore, the objection is withdrawn.

**Regarding to the 35 USC § 101 rejection**, Applicant has amended the Claim 1, 10, 28 to overcome the 101 issue. However, the claim 10 is still rejected under the 35 USC § 101 since the amended claim recites limitation regarding a system that comprises a first network entity within a server of a service provider, a second network entity within a user terminal, the recited terminal itself is not explicitly included as part of the claimed system to make the claim statutory under 35 USC 101. Therefore, the 101 rejection is maintained for claim 10. See detail rejection above. The amended claims 1 and 28 overcome the 101 issue and therefore the 101 rejection is withdrawn for claims 1, 28 and their depended claims.

**Regarding to the 35 USC § 103 rejection**, Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Regarding to applicant's argument to claim limitation "*...., the subscription does not require the first network entity to send out access requests for the event-based information prior to an expiration time of the subscription....*", McCann discloses providing and delivering location based services in distributed architectures, wherein

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subscription fulfillment services are provided by one entity and service requests are processed by another entity. The client generates the token for obtaining the event-based information and provides to the server as shown in Figs. 1, 2. Further, an analogous art, Bhela teaches providing control and access to the location information based on the termination information. The location requester obtaining the location information based on the subscription request, which includes the termination information. The subscription process is terminated based on the termination information (e.g. expiration period). As shown in Fig. 13, step 1314, test is made to determine whether to terminate the subscription process. If the subscription process is not to be terminated, then the location requester obtains the location information without sending the request [Fig. 13 step 1314 col. 16 lines 53-67, col. 17 lines 1-3]. Therefore, the combination of McCann and Bhela teaches the above amended claim limitation. See detail new ground of rejection above.

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gustafsson (US 6351647) – Location-dependent services in a mobile communication system

Okanoue et al. (US 7013150) – Positioning system, Positioning server, base station and terminal location estimation method

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/Nirav Patel/

Examiner, Art Unit 2435